



CITY COUNCIL AGENDA
February 9, 2015 6:00PM*
(Please note earlier start time)

Regular Meeting

CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: _____ Time: _____

1. The pledge of allegiance

2. Roll Call:

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
STARTING VOTE		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3. **Special Orders of Business:**

- a. Special Council Training-Lauren Sommers, City legal counsel
(approximately 1.5 hours)

4. **Consent Calendar:**

None scheduled

5. **Citizens Comments**

As presented to the Mayor at the beginning of the meeting

6. **Public Hearing**

None scheduled

7. **Citizen Requested Agenda Items**

- a. Mary Rowe-request to ban barrel and open burning within the city limits

8. **Public Contracts and Purchasing**

None Scheduled

9. **Ordinances & Resolutions**

- a. Resolution R1415-09-Volunteer Workers Comp Coverage

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

10. Miscellaneous Items (including policy discussions and determinations)

- a. Fire Truck Levy for May?

11. City Administrator's Report

To be presented at the meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Vacant

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, March 9, 2015, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: _____

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

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SPECIAL ORDERS OF BUSINESS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **1 a.**
Council Hearing Date: February 9, 2015

TITLE: Special Council Training with Legal Counsel Sommers

SUMMARY AND BACKGROUND:

Our legal counsel, Lauren Sommers, will be conducting a special council training session to benefit our newer councilors Campbell and McVey as well as our more seasoned councilors. This will give the Council and Mayor the opportunity to meet Ms. Sommers personally and ask any questions that may have come up as a result of the recent LOC training in Coquille.

Ms. Sommers will also be conducting the annual ethics training earlier in the day for staff and those electeds that were not able to attend her training at the LOC conference in September. The sessions will be at 2PM and 4PM on Monday the 9th. We have invited the City of Brookings and Port Orford to attend the sessions as well.

Handouts will be passed out at the training.

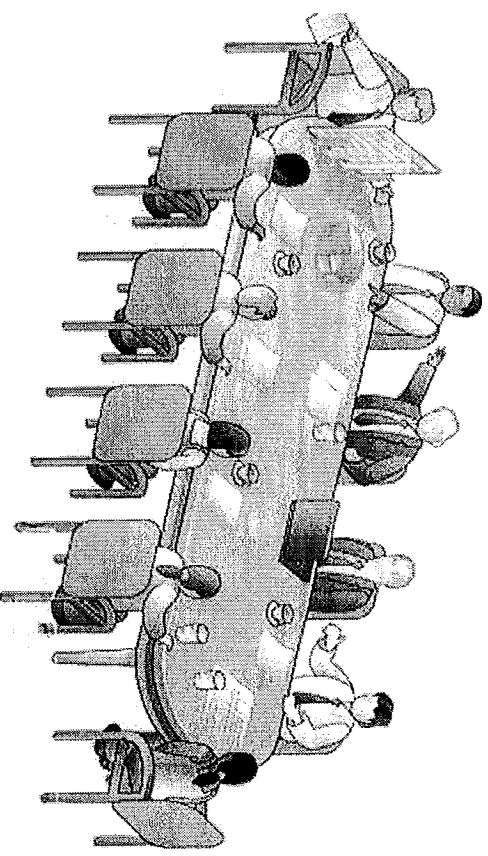
REQUESTED MOTION/ACTION:

Information only.

Councilor Basics and Beyond

Lauren Sommers

City of Gold Beach - February 2015



Local Government Law Group PC

A Member of Speer Hoyt LLC

975 Oak Street, Suite 700

Eugene, OR 97401

Telephone: 541.485.5151

- Carolyn H. Connelly (chc@speerhoyt.com) ▫ Christy K. Monson (christy@speerhoyt.com)
- Ross M. Williamson (ross@speerhoyt.com) ▫ Lauren A. Sommers (lauren@speerhoyt.com)
- Diana Moffat (diana@speerhoyt.com)
- J. Kenneth Jones (jki@speerhoyt.com)

GOVERNMENT ETHICS IN THREE SIMPLE RULES

City of Gold Beach Ethics Training

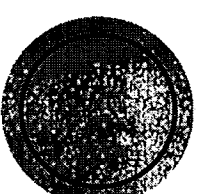
February 9, 2015

Lauren Sommers

The Local Government Law Group

lauren@speerhojt.com

541.485.5151





CITIZEN REQUESTED AGENDA ITEMS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7 a.
Council Hearing Date: February 9, 2015

TITLE: Request to ban burning within city limits

SUMMARY AND BACKGROUND:

A Citizen Requested Agenda Item was submitted by Mary Rowe requesting the Council ban container burning within the city limits. I have attached her completed request form. The section of the City Code addressing container burning is below:

5.275 Container Burning and Open Burning.

- (1) Permit Required. Except as set forth in subsection (6), a permit is required to kindle or maintain any open fire, bonfire or rubbish fire and for container burning. There shall be three (3) types of permits:
 - (a) An open burning permit, limited to a maximum of seven (7) days per permit.
 - (b) A container burning permit, limited to one (1) year from the date of issue. Each container and each location must have a separate permit.
 - (c) A commercial fire permit limited to seven (7) days for building demolition or land clearing.
 - (d) The Fire Chief or designee shall issue the required permit if deemed necessary after an inspection and assurances from the applicant that all burning will take place in compliance with the terms of this Code. A commercial permit shall be reviewed within seven (7) days of application.
- (2) Except as set forth in subsection (7), no person shall kindle or maintain an open fire, bonfire or rubbish fire or burn any material in a container without a permit to do so. No person shall kindle or maintain a bonfire or rubbish fire or burn any material in a container except in strict compliance with the terms of this Code.
- (3) No person shall dispose of waste matter by burning except as follows:
 - (a) All burning shall take place during the hours of 8:00 a.m. to 8:00 p.m. unless otherwise specified by the Fire Chief.
 - (b) Burning shall be confined to incinerators or approved burning containers except as follows:

- (i) If any open burning permit to engage in such burning is obtained from the Fire Chief or designee;
 - (ii) Such burning is done at a distance of more than twenty-five feet (25') from any building, structure or other combustible waste matter; and
 - (iii) A charged garden hose with a shut off and adjustable nozzle or other like water supply is on hand and a competent person is on constant attendance until all fire has been extinguished. Applicants for such permit must be in legal control of the lot or parcel of land on which the burning is to be done.
- (4) **Offensive Smoke and Odors.** Nothing shall be burned under permit or otherwise, which shall, in burning, cause or create a dense smoke or noxious odors. Materials which shall not be burned include but are not limited to, the following: wet or organic kitchen garbage and wastes, any petroleum based products or plastics, treated wood products, metals, and commercial construction and/or demolition debris. Barrel burning of small amounts of clean construction/demolition debris from non-commercial, home projects will be permitted in accordance with a permit as provided in this Section 5.275.
- (5) **Fire Hazard Prohibited.** No person shall construct, erect, install, maintain or use any burning container or barbecue pit or open or pile burn any combustible material so as to constitute or occasion a fire hazard or as to endanger the life or property of any person thereby. All liability for an escaped fire, including but not limited to personal property damage to property of the permittee and any other person, and all fire suppression costs resulting from the fire, are the sole responsibility of the permittee, or, in the instance of a fire for which no permit was acquired, the person who ignited the fire.
- (6) A permit is not required for the following open fires:
 - (a) Outdoor recreation fire used for cooking when the fire is confined in a commercially manufactured fireplace or barbecue.
 - (b) Fires set and maintained for firefighting training or for otherwise training fire protection personnel.
- (7) **Fire Chief May Prohibit.** The Fire Chief may prohibit any outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (8) **Kindling of Fire on Land of Others Restricted.** No person shall kindle a fire upon the land of another without permission of the owner thereof or his or her agent and any permit required by this Section 5.275.
- (9) **Types and Construction of Burning Containers.** No person shall use a burning

container unless it meets the following standards:

- (a) Commercial, industrial and apartment type incinerators shall be constructed in accordance with the provisions of the Building and Mechanical Codes.
- (b) Residential burning containers (such as burn barrels) shall be constructed of brick, concrete, hollow tile, metal (steel), or other fire resistive material, shall have no openings greater than one-quarter inch (1/4") wide that are not covered by a spark arrester as described in subsection 9 (c) of this section, shall be equipped with a spark arrester and shall be set on a fire resistive pad, bare mineral surface, or be approved by the Fire Chief.
- (c) Every burning container shall be equipped and maintained with a spark arrester constructed of iron, heavy wire mesh of at least 14 gauge wire or other non-combustible material, with openings not larger than one-quarter inch by one-quarter inch (1/4" x 1/4").
- (d) Every burning container shall be constructed and maintained in accordance with the requirements of the State of Oregon Department of Environmental Quality.

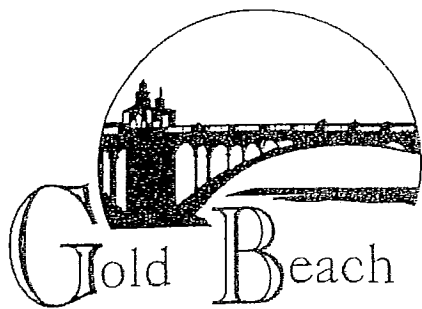
(11) Location. All burning containers shall be located as follows:

- (a)
 - A residential burning container shall not be located less than twenty (20) feet away from:
 - i. Any building or structure;
 - ii. Rubbish;
 - iii. Dry grass or weeds;
 - iv. Vegetation; and
 - v. Other combustible materials
 - The twenty (20) foot minimum requirement shall apply both horizontally and vertically. In addition, a residential burning container shall not be located less than ten (10) feet from any property line.
- (b) The restrictions in this subsection 11 shall not apply to commercially manufactured barbecues and outdoor fireplaces which meet the requirements of subsections 9 (b) and 9 (c) of this section.

(12) Maintenance. Every burning container, barbecue pit and the equipment therefore shall be maintained in good condition and repair at all times.

REQUESTED MOTION/ACTION:

Discuss the citizen request



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

RECEIVED

JAN 30 2015

CITY OF GOLD BEACH
CITIZEN REQUESTED COUNCIL AGENDA ITEM

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

Monday 6:30 PM January 26, 2015

NAME: Mary Rowe [REDACTED] Gold Beach

ADDRESS: [REDACTED] Gold Beach 97444

PHONE: [REDACTED] EMAIL: _____

Representing:

☒ I will be representing myself

☐ I will be representing (Organization Name) _____

NATURE OF BUSINESS TO BE PRESENTED: I would like to
suggest that Gold Beach Ordinance 5.275
be amended so that burning in
burn barrels (container burning) be
banned within the more densely
populated portion of Gold Beach
for the health of all citizens, but most
especially in order to protect those citizens
who have physical disabilities which are
so adversely affected by smoke that
they cannot function after exposure to it
and, in some cases, may even die.



ORDINANCES & RESOLUTIONS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **9 a.**
Council Hearing Date: February 9, 2015

TITLE: Resolution R1415-09 Volunteer Workers Comp Resolution

SUMMARY AND BACKGROUND:

City County Insurance (CIS) our insurance carrier requires that we adopt a resolution annually if we provide workers compensation insurance to our volunteers and elected officials. This coverage is only for injuries that occur during official city business and does not supplant the individual's employer or self-insured coverage.

REQUESTED MOTION/ACTION:

Adopt Resolution R1415-09

SAMPLE MOTION:

I make the motion that we adopt Resolution R1415-09, a resolution extending workers compensation coverage to volunteers of the City of Gold Beach

RESOLUTION R1415-09

A RESOLUTION EXTENDING WORKERS COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF GOLD BEACH

WHEREAS, the City of Gold Beach elects the following for fiscal year 2014-2015:

Pursuant to ORS 656.031, Workers' Compensation Coverage will be provided to the classes of volunteer workers listed in this resolution and noted on the CIS payroll schedule.

1. An assumed monthly wage of \$2,500 will be used for public safety volunteers; and
2. An aggregate assumed annual wage of \$2,500 will be used per volunteer board, commission and/or council for the performance of administrative duties; and
3. An assumed monthly wage of \$800 per month will be used for public officials for the performance of manual labor above and beyond the administrative duties covered by paragraph 2 above.
4. Non-public safety volunteers will keep track of their hours with the assistance of the Administrative Office and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and
5. A roster of active volunteers will be kept monthly for reporting purposes. It is acknowledged that City/County Insurance Services may request copies of these rosters during the year-end audit; and
6. Unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Gold Beach coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gold Beach, Oregon does hereby extend workers' compensation insurance coverage as indicated above.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 9TH DAY OF FEBRUARY, 2015.

Karl Popoff, Mayor

ATTEST

Candy Cronberger, City Recorder



MISC. ITEMS

(including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10 a.**
Council Hearing Date: February 9, 2015

TITLE: Fire Truck Levy Game Plan for May

SUMMARY AND BACKGROUND:

If we are going to put the Fire Truck Levy on the May ballot we need to decide how to proceed now. The filing deadlines with the County Elections office are quickly approaching.

Attached is info from the November election.

REQUESTED MOTION/ACTION:

Decision on how to proceed for May election

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. c.**
Council Hearing Date: November 10, 2014

TITLE: Fire Truck Levy Outcome and Next Steps

SUMMARY AND BACKGROUND:

Fire Truck Levy

NOVEMBER REPORT: We unfortunately lost the fire truck levy again this year. In comparing voter statistics we had 75.62% voter turnout this year—a 5.5% increase over last year. Last year 408 citizens voted YES, this year 453 voted YES. Last year 454 NO, this year 485 YES. We lost by 46 votes last year this year we lost by 32. So we did actually do better statistically speaking.

I think it's critical that we don't wait until the next November election. The soonest regular election we can get on the ballot is the May 2015 primary. I strongly suggest we do that.

We (you electeds!) will need to really get out and stump with the voters this time. In both elections we lost by a slim margin. Chief Floyd and I are prohibited as public employees from advocating for the measure. We can talk the basic facts but we can't inject any personal feelings or conjecture. You electeds are not constrained in that manner. I am attaching some info Chief Floyd was hoping could be circulated. You can use this as talking points. Perhaps the Mayor and/or some council members could go on the radio to discuss it?

Since the county does not produce a local voter booklet we printed the "just the facts" sheet that was reviewed by legal counsel and that went out in the October water bills. It didn't help. Most people I spoke with didn't even notice it so that was ineffective—unless we print it on neon paper next time. I think we should send it out twice this next time: the month before and the month the ballots get mailed. I don't think ads in the newspaper would be effective. I'm open to creative suggestions.

REQUESTED MOTION/ACTION:

Discuss and come up with a game plan for the May primary election.

SEPTEMBER REPORT: I filed state election form SEL 802 with the County Clerk on Friday, August 15th for inclusion on the November 4th ballot so we are good to go.

AUGUST REPORT: Just a quick update on the status of the levy. We passed the resolution last month authorizing the election. I had the required Notice of Receipt of Ballot Title published in both the Reporter and Pilot. A copy is attached. The next step is to forward the completed form SEL 802 Notice of Measure Election to the county elections office which I will do this week. I will keep you posted.

JULY REPORT: We spent a lot of time last year discussing the resumption of the local option tax levy for the future purchase of a new fire truck in approximately 7 years. I am attaching the council report and information from last year instead of rehashing it all in new report.

We put the measure on the ballot of the November 2013 election. The measure did not pass. The statistics provided by the County Clerk showed we had a 70.12% voter turnout and 862 valid votes cast. The vote was 408 in favor of the levy and 454 against, so we lost by 46 votes. Clearly this is an important issue for our citizens. I believe the measure would have passed had it not been for the hospital levy—BUT it was vitally important that that measure pass as well and I knew we would have time for another bite at the apple where the hospital district did not. I am glad their measure passed because it deeply affects our community and the loss of the hospital would be catastrophic for many different reasons.

We are now back to that second bite at the apple. In order to proceed with putting this measure on November 2014 ballot we need to follow the same process we did last year (in attached report). I revised the resolution for the levy for us to consider tonight. Due to the state election timelines for filing we need to make a final decision on whether to proceed in November tonight.

Council and Chief Floyd

RESOLUTION R1415-03

A RESOLUTION OF THE CITY OF GOLD BEACH, CURRY COUNTY OREGON, TO SUBMIT TO THE VOTERS OF THE CITY A MEASURE CONCERNING A SEVEN (7) YEAR CAPITAL PROJECTS LOCAL OPTION TAX FOR A FIRE TRUCK AND TO CALL AN ELECTION

RECITALS:

- A. The City's 2013-2014 property tax base of \$518,586 (\$2.336 per \$1000 of assessed value), was established by Constitutional limitation, and the Council has not received approval of a new tax base proposal since at least June of 1999.
- B. The City has historically financed acquisition of new fire trucks through serial levies in approximately seven (7) year increments. The first levy was approved by the voters in 1989. The most recent fire truck levy was approved by the voters in November 2004.
- C. In order to continue to finance the capital purchase of adequate fire protection equipment, specifically a fire truck, the Council has determined that a Capital Projects Local Option Tax be established for the acquisition of the fire truck.
- D. By Resolution R1314-01, approved by the Council on August 12th, 2013, the measure was placed before the voters of the City of Gold Beach for the November 2014 General Election. The measure failed to pass by a slim margin.

NOW, THEREFORE, THE CITY OF GOLD BEACH RESOLVES AS FOLLOWS:

Section One. The Measure hereinafter set forth shall be submitted to the legal voters of the City of Gold Beach, Oregon, at an election to be held on November 4, 2014 for their adoption or rejection:

CAPTION:

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK LEVY.

QUESTION:

Shall Gold Beach impose \$60,000 per year for seven years for capital projects beginning in fiscal year 2015-2016? This measure may cause property taxes to increase more than three percent.

SUMMARY:

This measure would impose property taxes of \$60,000 per year for seven years to purchase a replacement fire truck for the City of Gold Beach. Fire trucks average a useful life of twenty-five years. New trucks currently cost between \$400,000 and \$700,000. Purchase of a new truck from this levy is expected by June 30, 2022. The Gold Beach-Wedderburn Rural Fire Protection District, to which the City

provides contract fire protection services, will contribute \$100,000 toward the purchase price. The total amount to be raised by this local option tax is \$420,000. It is estimated that the proposed tax will result in a rate of \$0.27 per \$1,000 of assessed value. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate.

Section Two. The City Council orders this City election to be held in the City of Gold Beach, Oregon, concurrently with the general election, on the 4th day of November, 2014, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section Three. The election shall be conducted by Curry County. The County Clerk for Curry County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.

Section Four. This Resolution, including the proposed ballot title, shall be filed with the City Administrator at the City of Gold Beach City Hall.

Section Five. The City Administrator shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

Section Six. This Resolution shall become effective immediately upon its adoption

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 21st DAY OF JULY, 2014.



Karl Popoff, Mayor

ATTEST:



Jodi Fritts, City Administrator

Notice of City Measure Election

SEL 802

rev 1/12: ORS 250.035, 250.041,
250.275, 250.285, 254.085, 254.465

City and Notice Information

Notice is hereby given on August 15, 2014, that a measure election will be held in

City of Gold Beach

Oregon on November 4, 2014.

Name of City or Cities

Date of Election

The following shall be the ballot title of the measure to be submitted to the city's voters:

Caption 10 words

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK LEVY

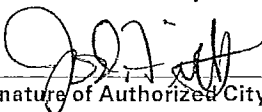
Question 20 words

Shall Gold Beach impose \$60,000 per year for seven years for capital projects beginning in the fiscal year 2015-2016? This measure may cause property taxes to increase more than three percent.

Summary 175 words

This measure would impose property taxes of \$60,000 per year for seven years to purchase a replacement fire truck for the City of Gold Beach. Fire trucks average a useful life of twenty-five years. New trucks currently cost between \$400,000 and \$700,000. Purchase of a new truck from this levy is expected by June 30, 2022. The Gold Beach-Wedderburn Rural Fire Protection District, to which the City provides contract fire protection services, will contribute \$100,000 toward the purchase price. The total amount to be raised by this local option tax is \$420,000. It is estimated that the proposed tax will result in a rate of \$0.27 per \$1,000 of assessed value. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate.

The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of notice and the completion of the ballot title challenge process.



Signature of Authorized City Official not required to be notarized

8/15/2014

Date Signed mm/dd/yy

City of Gold Beach - Bobi Fritts

Printed Name of Authorized City Official

City Administrator

Title